

Spain

Section 1. Respect for the Integrity of the Person, Including Freedom from:

e. Denial of Fair Public Trial

The constitution provides for an independent judiciary, and the government generally respected judicial independence.

Trial Procedures

The constitution and law provide for the right to a fair and public trial, and the judiciary generally enforced this right. Defendants enjoy a presumption of innocence and the right to be informed promptly and in detail of the charges against them with free interpretation as necessary. Trials were held without undue delay. There is a nine-person jury system. Defendants have the right to be represented by an attorney of their choice. If the defendant is indigent, the government appoints an attorney. Defendants and their attorneys have adequate time and facilities to prepare a defense, have access to government-held evidence, confront witnesses, and present their witnesses and evidence. Defendants cannot be compelled to testify or confess guilt and they have the right of appeal. These rights apply to all defendants without discrimination.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

Individuals or organizations may bring civil lawsuits seeking damages for a human rights violation. The complainant may also pursue an administrative resolution. Persons may appeal court decisions involving alleged violations of the European Convention on Human Rights to the European Court of Human Rights (ECHR) after they exhaust all avenues of appeal in national courts.

Regional Human Rights Courts Decisions

The country is subject to the jurisdiction of the ECHR.

In October 2013 the ECHR ruled that the country must release and pay 30,000 euros (\$37,500) in compensation to Ines del Rio Prada, a member of Basque Fatherland and Liberty (ETA) convicted of taking part in 24 killings carried out by the Basque terrorist group. The money compensated the families of the persons killed by del Rio, a decision supported by the Committee of Ministers of the Council of Europe.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on race, gender, disability, language, sexual orientation, gender identity, or social status, and the government generally enforced the law effectively.

Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity

The LGBT community was widely accepted throughout the country. Discrimination in employment is banned. The law can consider an anti-LGBT hate element an aggravating circumstance in crimes.

On October 2, the Catalan parliament approved the Law on Gay, Lesbian, Bisexual, and Transsexual People's Rights and on the Eradication of Homophobia, Lesbophobia, and Transphobia. The first of its kind in the country, the law provides members of the LGBT community greater protections than those provided by national law and prohibits discrimination based on sexuality. It reverses the burden of proof involved in cases of discrimination in the realms of civil and social law. The law is limited to competencies of the regional government, such as the provision of education and health care.

The Ministry of Justice ordered all Spanish consulates to allow enrollment in the civil registry of children born through surrogacy. The order entered into force on July 14.

A report from the security forces indicated that of the 550 hate crimes recorded during the first three months of the year, 235 were focused on LGBT members.

In January a Barcelona court sentenced the manager of an Austrian transportation company based in Barcelona to three and one-half years in prison for accessing his employees' e-mail accounts without permission. He found information indicating two employees were gay and then conveyed that information to management in their Austrian office. His actions led to the dismissal of the two individuals (see also section 7.d.).